

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Genichiro OTA, et al.

Art Unit: 2611

Appln. No.: 10/565,380

Examiner: K. Timory

Filed: January 23, 2006

Conf. No.: 5562

For: MODULATION APPARATUS, DEMODULATION APPARATUS,  
MODULATION METHOD AND DEMODULATION METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the pending Restriction Requirement, Applicants hereby elect Invention I, Claims 1 and 4.

Applicants respectfully request withdrawal of the Restriction Requirement. No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits even though it includes claims to distinct or independent inventions." (Emphasis added)

In the present case, the search for all pending claims together would not be burdensome.

Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is

maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

/James Edward Ledbetter/

Date: March 20, 2009

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